IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4073 of 2005

Between:

K.V. Pullaiah, S/o. Thippanna,
R/o. Owk Village & Mandal, Kurnool District.

..... PETITIONER

AND

1 The Prl. Secretary, Panchayat Raj Department,
Govt of A.P., Secretariat, Hyderabad.
2 The District Collector, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings in Roc.No.3910A/Pts.A1/2004, dt. 05.01.2005 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents to reinstate the Petitioner as a Sarpanch of the Gram Panchayat, OWK village and Mandal.

Counsel for the Petitioner:MR.U.RAMANJANEYULU

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

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ORDER:

The petitioner is the elected Sarpanch of Owk Grama Panchayat and Mandal. By an order, dated 19.02.2005, passed by the second respondent-District Collector, Kurnool under Section 249(1) of the Panchayat Raj Act, 1994 (for short "the Act"), the petitioner was removed from the office. Aggrieved by the same, the petitioner preferred an appeal before the first respondent together with an application seeking stay of order of removal, dated 19.02.2005. The grievance of the petitioner is that the first respondent failed to consider his appeal and so far no orders have been passed even on his application for stay. But in the meanwhile, steps are being taken to implement the order of removal, dated 19.02.2005. Hence this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents and keeping in view the fact that statutory appeal is pending before the first respondent, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal, preferred against the order of the second respondent dated 19.02.2005, pending on his file, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order. Till such time, the order of removal, dated 19.02.2005, shall not be given effect to. No costs.

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03.03.2005

Note : Issue operative portion by wire

at party's cost.

(B/o)

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To

1 The Prl. Secretary, Panchayat Raj Department,
Govt of A.P., Secretariat, Hyderabad.
2 The District Collector, Kurnool, Kurnool District.

3 Two C.Cs to the G.P. for Panchayatraj and Rural Development
High Court Buildings, Hyderabad (OUT).

4 2 CD copies

5 1 CC to MR.RAMANJANEYULU